


PRESS RELEASE
For Immediate Release

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Jarred Eib and The Committee to Elect Jarred Eib Judge regretfully announce that a challenge was filed with the Indiana Election Commission by Republican County Chairman Jerry Shull against Jarred's candidacy for the Republican nomination for Judge of the Grant County Superior Court III.

In the challenge, filed on February 4, 2014, Mr. Shull alleged that Jarred voted in the Democrat Primary in the 2008 Indiana primary election. This represents the last primary election Jarred voted in before moving from Grant County to attend law school.

This allegation was based on erroneous information from the Statewide Voter's Registration List (SWVRL) which was released by the Grant County Clerk's Office in violation of Indiana Code Title 3, Articles 26.3 and 26.4 which govern the release of information contained in the SWVRL.

The voter history information contained in the SWVRL concerning which party ballot an individual voter requests – the information released to Mr. Shull which forms the basis of his challenge – is recorded manually at the polling location and then manually entered into a computer program for upload into the SWVRL. When entering Jarred's voter information, it appears that the deputy clerk checked the wrong box in the system, thereby erroneously indicating that Jarred requested a Democrat instead of a Republican ballot.

Jarred did not become aware of the error in the SWVRL until after filing his Declaration of Candidacy with the Secretary of State Election Division on which he truthfully made the sworn statement that the last Indiana primary election in which he had participated was held by the Republican Party in compliance with IC 3-8-2-7(a)(4)(A)¹.

¹IC 3-8-2-7(a)(4)(A) provides one of two manners in which a candidate may establish affiliation with a political party – that the most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

Mr. Shull, having become aware of the discrepancy between Jarred's filing and the information released to him by the Grant County Clerk's Office from the SWVRL, contacted Jarred and instructed him to withdraw his candidacy, stating that if Jarred would not do so Mr. Shull would file a challenge with the Indiana Election Commission to have Jarred removed from the Republican primary ballot.

Jarred explained to Mr. Shull that the information contained in the SWVRL was apparently inaccurate and requested that Mr. Shull, in his capacity as Grant County Chairman of the Republican party, certify Jarred's affiliation with the Republican Party as permitted under IC 3-8-2-7(4)² as the only alternative manner of establishing party affiliation. Mr. Shull, however, refused to certify Jarred's affiliation with the Republican Party.

After considering the alternatives available to him, Jarred decided to remain in the election with the knowledge that he did, in fact, participate in the 2008 Republican primary.

On February 15, 2014, Jarred received notice from the Indiana Election Commission that a challenge to his candidacy had been filed by Mr. Shull on February 4, 2014. With his challenge, Mr. Shull had included copies of every item of information contained in the SWVRL which was specifically protected by IC 3-7-26.4-8 – date of birth, gender, telephone number or electronic mail address, voting history, voter identification number, and the date of voter registration – all file stamped by the Grant County Clerk's Office.

A hearing was held on Mr. Shull's challenge on February 26, 2014 before the Indiana Election Commission – a four person board of political appointees – despite the failure of Mr. Shull to personally appear for the hearing or to formally appoint a representative prior to the hearing. The Commission, instead, allowed Marion City Attorney Don Gallaway to present Mr. Shull's challenge over Jarred's objection.

Mr. Gallaway presented the SWVRL information that had been released by the Grant County Clerk's Office and testimony by J. Mark Florence, Grant County Clerk, that the information upon

²IC 3-8-2-7(a)(4)(B) provides that a candidate may be affiliated with a political party if the county chairman of the political party with which the candidate claims affiliation in the county in which the candidate resides certifies that the candidate is a member of the political party.

which Mr. Shull based his challenge had been manually entered into the SWVRL and that in the only other case of a voter challenging the accuracy of the recorded voter history the recorded information was found to be factually incorrect.

Foremost, Jarred argued that the statute in question unconstitutionally encroaches on the First and Fourteenth Amendment rights guaranteed under the United States Constitution, citing a factually analogous case heard by the United States Supreme Court, *Kusper v. Pontikes*³, in which the United States Supreme Court struck down an Illinois election law barring voters who had participated in one party's primary from participating in the primary of another party for a period of twenty-three (23) months. The Court held that, “freedom to associate with others for the common advancement of political beliefs and ideas is a form of ‘orderly group activity’ protected by the First and Fourteenth Amendments. The right to associate with the political party of one’s choice is an integral part of this basic constitutional freedom.”⁴

Jarred also presented sworn testimony of witnesses supporting Jarred’s affiliation with the Republican Party as well as reaffirmed his sworn statement made on his Declaration of Candidacy that the last Indiana primary election in which he participated was conducted by the Republican Party.

Despite the arguments and evidence presented by Jarred and the absence of any claim of personal, first-hand knowledge of Mr. Shull, the Indiana Election Commission voted to remove Jarred from the ballot for the 2014 Republican Primary.

This result is nothing less than a miscarriage of justice. By removing Jarred from the ballot based solely on the contents of the information manually entered into the SWVRL the Indiana Election Commission has disenfranchised Jarred as well as every voter of Grant County. Mr. Shull’s efforts have had the effect of stripping the voters of Grant County of the right to determine their next judge through the electoral process.

It is the position of Jarred Eib and The Committee to Elect Jarred Eib Judge that the decision of the Indiana Election Commission is an abuse of discretion and that no reasonable person would

³*Kusper v. Pontikes*, 414 U.S. 52 (1974)

⁴Pp 56-7

find that Mr. Shull met the burden of proof placed upon him by the Indiana Administrative Orders and Procedures Act by merely pointing to a single record generated by a fallible system. Furthermore, the very statute on which Mr. Shull's challenge is based is unconstitutionally restrictive of the rights of Indiana citizens to freely associate with the political party of their choosing.

This is a transparent example of the good ol' boy system of politics that has been a blight on Grant County for too long. Upon being notified by Jarred of his intent to run for the Republican nomination for Judge of the Grant County Superior Court III, Mr. Shull warned him against filing, referring to incumbent Warren Haas as a "loyal party supporter." Shortly after Jarred's filing, Mr. Shull came into possession of protected information that he is not entitled to under Indiana law and used an error in that information to try to bully Jarred out of the race.

It is unconscionable that the decisions regarding the leadership of this county are left to select individuals to be made behind closed doors via dubious tactics for the advancement of their own interests. That is why Jarred Eib and The Committee to Elect Jarred Eib will not walk away quietly away from this race. We will be seeking judicial review of the decision of the Indiana Election Commission and we are confident that justice will prevail in this matter.

Jarred would like to thank everyone that for their support in his candidacy and to thank them for their continued support as we go forward fighting the baseless allegations put forth by our detractors.